IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3491 OF 2006

Kashmirasingh Jogindersingh Sardar Applicant
versus
The State of Maharashtra Respondent

Mr.A.P.Mundargi i/by Ganesh Gole for applicant.
Mrs.M.H.Mhatre, APP for State.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 11th October 2006

PC :

1. The applicant is arrested on 19th May 2006 by Vadgaon Maval Police Station in connection with CR No.21 of 2006 for the offences punishable under sections 3, 17 r/w 22 of the Narcotics Drugs and Psychotropic Substances Act.

2. His application for bail has been rejected by the Trial Court on 3rd August 2006. This application was made after the charge sheet was filed.

3. After hearing Shri Mundargi appearing for applicant at length and perusing with his assistance the statements, in my view, it would

not be proper at this stage to hold a detailed enquiry as to whether the Contraband was seized from the possession of the applicant-accused and whether the place where it was kept, was within the premises of the bungalow which was taken on rent by the applicant. All such pleas would have to be decided after materials in that behalf are placed before the Court by both sides. It would not be proper at this stage to pronounce upon evidentiary value of the materials collected and relied upon by the prosecution.

4. In the circumstances, application is rejected. However, in this case, Shri Mundargi points out that the Police Officer as also the owner of the bungalow, are only material witnesses. Since the applicant is in custody from 19th May 2006 and the case would not be taken up immediately, his request is that the trial be expedited.

5. Learned APP leaves the matter to the Court. In my view, considering the fact that the controversy is narrow, the Trial Court to endeavour and dispose off the case by 30th April 2007.

(S.C.DHARMADHIKARI, J.)